

STATE OF NEW JERSEY
STATE ETHICS COMMISSION
Post Office Box 082
Trenton, New Jersey 08625-0082
(609) 292-1892

STATE OF NEW JERSEY
STATE ETHICS COMMISSION
COMMISSION CASE NO. 20-17

**IN THE MATTER OF
DARRELL CARDWELL,
SOFTWARE DEVELOPMENT
SPECIALIST 2, OFFICE OF
INFORMATION TECHNOLOGY**

**Administrative Action
CONSENT ORDER**

WHEREAS, the State Ethics Commission ("Commission") is authorized to initiate, receive, investigate, review and hear complaints regarding violations of the New Jersey Conflicts of Interest Law, *N.J.S.A. 52:13D-12 et seq.* ("Conflicts Law"), applicable rules of the Commission, *N.J.A.C. 19:61-1.1 et seq.*, the Uniform Ethics Code, and any agency code of ethics by any State officer or employee or special State officer or employee; and

WHEREAS, this matter was brought before the Commission by a complaint filed with the Commission; and

WHEREAS, the Commission conducted an investigation of all the matters and issues raised by the complaint; and

WHEREAS, as a result of the investigation, the Commission and Darrell Cardwell ("Cardwell") desire to enter into a final and complete resolution of all of the matters and issues raised thereby;

IT IS THEREFORE agreed by the parties as follows:

1. Cardwell began employment with the Office of Information Technology (“OIT”) in 2013. He currently works for OIT as a Software Development Specialist 2.

2. At all times relevant to this matter, Cardwell was a State employee subject to the New Jersey Conflicts Law, *N.J.S.A. 52:13D-12 et seq.*

3. On Outside Activity Questionnaires (“OAQ”) dated October 8, 2015 and May 16, 2017, Cardwell disclosed outside employment with a church management software company and an unpaid volunteer position with his church. These activities were approved by OIT. Cardwell also engaged in outside business activities through a personal web development business he created called Ignite Web Development (“Ignite”). He did not submit an OAQ to OIT or obtain approval to engage in outside business activities for Ignite.

4. From late 2015 through 2016, Cardwell used his State computer to access servers related to his outside business activities on State time.

5. On at least a few occasions, Cardwell used his State computer to work on specific projects for customers of Ignite. Cardwell ultimately received compensation for completing these projects.

6. Approximately once or twice per week from late 2015 through 2016, Cardwell also used his State computer to access his personal email account to respond to emails related to his outside business activities.

7. It is the Commission’s position that Cardwell’s use of his State computer, in his State office, during normal working hours, to exchange emails related to his outside business activities, and to access servers related to his outside business interests, violated sections 23(e)(3) and 23(e)(7) of the Conflicts Law.

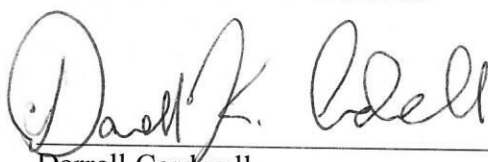
8. Cardwell acknowledges that he used his State computer to send and receive emails related to his outside business interests, but it is his position that he did not use State time to exchange these emails because he only performed these tasks at lunch and during breaks.

9. Further, it is Cardwell's position that he used servers related to his outside employer and personal web development business to test prototypes that he could potentially use for State projects. He asserts that he used these external servers to improve the quality of work that he produced for OIT. Cardwell further states that he did not produce a product or potential product for any outside entity as a result of these activities and that he did not receive any type of outside compensation for these activities. Cardwell acknowledges, however, that he never received approval from OIT management or his agency's Ethics Liaison Officer to perform tests on servers related to his outside business interests in connection with his State duties.

10. In hindsight, Cardwell acknowledges that accessing these servers from his State computer, even if done for State purposes, was not permissible, and that the use of his State computer to send and receive emails related to his outside business activities violated sections 23(e)(3) and 23(e)(7) of the Conflicts Law.

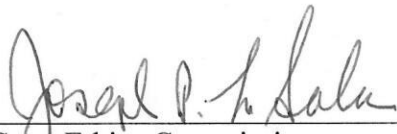
11. In consideration of the above, Cardwell agrees to pay a civil penalty in the amount of \$2,000. An initial payment of \$1,000 shall be due upon the first day of the month following the date on which this Consent Order is fully executed, followed by five monthly installments of \$200, due on the first day of each month thereafter.

12. The parties agree to enter into this Consent Order in settlement of all matters and issues that are involved herein.



Darrell Cardwell

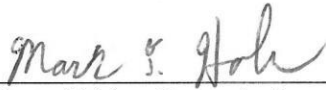
Dated: 1/14/19



State Ethics Commission

By: Joseph P. LaSala, Chair

Dated: January 29, 2019



State Ethics Commission

By: Mark T. Holmes, Executive Director

Dated: 1/30/2019